

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. In the claims

As shown in the foregoing AMENDMENT TO THE CLAIMS, the claims have been amended to more clearly point out the subject matter for which protection is sought.

Claim 1 is amended to incorporate and clarify the subject matter of previously presented claims 2, 5, 6, and 7. It is respectfully submitted that no new matter is added as the amendment merely merges and clarifies the subject matter of previously presented claims, and support for the amendments is clearly found at least in Fig. 6 and on page 2, lines 5-14, page 3, lines 25-30, page 4, lines 1-16, and page 7, lines 13-20, 26-29 of the accompanying description in the specification.

Claims 4 and 8-10 are left unchanged.

Entry of the AMENDMENT TO THE CLAIMS is respectfully requested in the next Office communication.

2. Rejection of claims 1-10 under 35 U.S.C. § 102(a) as being anticipated by U.S. patent no. 6,423,165 (*Hishinuma*)

Reconsideration of this rejection is respectfully requested, in view of the amendments to claim 1 and the cancellation of claims 2, 3, and 5-7, on the basis that the *Hishinuma* patent fails to disclose each and every recited element of amended claim 1. The remaining claims depend from claim 1, and are therefore patentable as containing all of the recited elements of claim 1, as well as for their respective recited features.

The *Hishinuma* patent fails to disclose a cloth designed to be provided with at least one permanent fold where the cloth includes a plurality of weft threads oriented in the weft direction, a plurality of warp threads interwoven in a uniformly spaced

manner with the weft threads in a warp direction, at least one folding zone arranged to define the at least one permanent fold in the warp direction, and at least one shrink thread woven in the cloth in the weft direction and extending crosswise over the folding zone, wherein the spacing of the plurality of warp threads within the folding zone is increased such that the at least one shrink thread is situated over a larger distance on a single side of the cloth than anywhere else in the cloth outside the folding zone, all as required by amended claim 1.

In review, the embodiment of amended claim 1 includes weft (2) and warp (3) threads interwoven with at least one shrink thread (4) in the weft direction (Fig. 6). As further claimed, the at least one shrink thread extends crosswise over at least one folding zone (5). The spacing of the warp threads (3) within the folding zone (5) is increased such that the at least one shrink thread is situated over a larger distance on a single side of the cloth in the folding zone than anywhere else in the cloth. Thus, the size and shape of the fold may be appropriately defined.

In contrast to the specific structural configuration of the weft, warp, and shrink threads recited by amended claim 1, the *Hishinuma* patent fails to disclose such a configuration.

As described in detail in the response filed February 26, 2007, the *Hishinuma* patent discloses a heat shrinkable cloth 2 which may utilize thermo-shrinkable yarn 20 for either or both of the weft or warp directions for contracting the cloth 2 in one of or both of the weft and warp directions (col. 7, lines 31-39). However, the specific structure of the cloth 2 and the thermo-shrinkable yarn is not described. In particular, the *Hishinuma* patent fails to disclose that the spacing of the plurality of warp threads is increased within the folding zone, such that the at least one shrink thread is situated over a larger distance on a single side of the cloth within the folding zone than anywhere else in the cloth, as required by amended claim 1.

When such a structure is not fully described in a patent, a skilled artisan will look exemplary structures found in the prior art. In this case, a skilled artisan would

turn to a patent such as U.S. patent no. 2,627,644 (*Foster*) in order to provide an exemplary configuration for the cloth.

However, the *Foster* patent merely describes known structures in the art, and also fails to disclose a cloth designed to be provided with at least one permanent fold and having at least one shrink thread woven in the cloth and extending crosswise over a larger distance on a single side of the cloth in the folding zone than anywhere else in the cloth outside the folding zone, as required by amended claim 1.

The *Foster* patent discloses a standard woven structure, wherein heat-shrinking threads are alternately woven up and under the weft threads, in order to create a corrugated cloth (Figs. 1-4).

This configuration is contrary to the structure of amended claim 1, which requires that the at least one shrink thread extends crosswise over the folding zone over a larger distance on a single side of the cloth than anywhere else in the cloth, as opposed to being woven up and under the threads. For example, in the pending application, as is clearly shown in the example of Fig. 6, the folding zone extends over one warp thread, with the distance between successive warp threads being increased such that the at least one shrink thread extends crosswise along a single side of the cloth over a larger distance in the folding zone than anywhere else in the cloth. Specifically, outside the folding zone, the at least one shrink thread extends in the usual manner, that is alternating above and under each of the successive warp threads. This structure is clearly not disclosed in the *Hishinuma* nor the *Foster* patents.

Thus, it is clear that the *Hishinuma* patent alone fails to disclose a cloth designed to be provided with at least one permanent fold and having at least one shrink thread woven in the cloth and extending crosswise over the folding zone over a greater distance on a single side of the cloth than anywhere else in the cloth outside the folding zone, as required by amended claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

As mentioned above, applicant submit that independent claim 1 is patentable and therefore, claims 4, and 8-10, which depend from claim 1, are also considered to

Application No.: 10/555,102
Examiner: Muromoto Jr, R.
Art Unit: 3765

be patentable as containing all of the elements of claim 1, as well as for their respective recited features.

3. Conclusion

As a result of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500
Facsimile: (703) 683-1080

Date: August 22, 2007

Respectfully submitted,



JUSTIN J. CASSELL
Attorney for Applicant
Registration No. 46,205